

- (i) the absence of security before the date of the filing of the petition;
- (ii) the payment by the debtor of charges for utility service in a timely manner before the date of the filing of the petition; or
- (iii) the availability of an administrative expense priority.

(4) Notwithstanding any other provision of law, with respect to a case subject to this subsection, a utility may recover or set off against a security deposit provided to the utility by the debtor before the date of the filing of the petition without notice or order of the court.

(Pub. L. 95-598, Nov. 6, 1978, 92 Stat. 2578; Pub. L. 98-353, title III, § 443, July 10, 1984, 98 Stat. 373; Pub. L. 109-8, title IV, § 417, Apr. 20, 2005, 119 Stat. 108.)

#### HISTORICAL AND REVISION NOTES

##### LEGISLATIVE STATEMENTS

Section 366 of the House amendment represents a compromise between comparable provisions contained in H.R. 8200 as passed by the House and the Senate amendment. Subsection (a) is modified so that the applicable date is the date of the order for relief rather than the date of the filing of the petition. Subsection (b) contains a similar change but is otherwise derived from section 366(b) of the Senate amendment, with the exception that a time period for continued service of 20 days rather than 10 days is adopted.

##### SENATE REPORT NO. 95-989

This section gives debtors protection from a cut-off of service by a utility because of the filing of a bankruptcy case. This section is intended to cover utilities that have some special position with respect to the debtor, such as an electric company, gas supplier, or telephone company that is a monopoly in the area so that the debtor cannot easily obtain comparable service from another utility. The utility may not alter, refuse, or discontinue service because of the non-payment of a bill that would be discharged in the bankruptcy case. Subsection (b) protects the utility company by requiring the trustee or the debtor to provide, within ten days, adequate assurance of payment for service provided after the date of the petition.

##### AMENDMENTS

2005—Subsec. (a). Pub. L. 109-8, § 417(1), substituted “subsections (b) and (c)” for “subsection (b)”.

Subsec. (c). Pub. L. 109-8, § 417(2), added subsec. (c).

1984—Subsec. (a). Pub. L. 98-353 inserted “of the commencement of a case under this title or” after “basis”.

##### EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-8 effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under this title before such effective date, except as otherwise provided, see section 1501 of Pub. L. 109-8, set out as a note under section 101 of this title.

##### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-353 effective with respect to cases filed 90 days after July 10, 1984, see section 552(a) of Pub. L. 98-353, set out as a note under section 101 of this title.

## CHAPTER 5—CREDITORS, THE DEBTOR, AND THE ESTATE

### SUBCHAPTER I—CREDITORS AND CLAIMS

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| Sec.<br>501.<br>502. | Filing of proofs of claims or interests.<br>Allowance of claims or interests. |
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| Sec.<br>503.<br>504.<br>505.<br>506.<br>507.<br>508.<br>509.<br>510.<br>511. | Allowance of administrative expenses.<br>Sharing of compensation.<br>Determination of tax liability.<br>Determination of secured status.<br>Priorities.<br>Effect of distribution other than under this title.<br>Claims of codebtors.<br>Subordination.<br>Rate of interest on tax claims. |
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### SUBCHAPTER II—DEBTOR'S DUTIES AND BENEFITS

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| 521.<br>522.<br>523.<br>524.<br>525.<br>526.<br>527.<br>528. | Debtor's duties.<br>Exemptions.<br>Exceptions to discharge.<br>Effect of discharge.<br>Protection against discriminatory treatment.<br>Restrictions on debt relief agencies.<br>Disclosures.<br>Requirements for debt relief agencies. |
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### SUBCHAPTER III—THE ESTATE

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| 541.<br>542.<br>543.<br>544.<br>545.<br>546.<br>547.<br>548.<br>549.<br>550.<br>551.<br>552.<br>553.<br>554.<br>555.<br>556.<br>557.<br>558.<br>559.<br>560.<br>561.<br>562. | Property of the estate.<br>Turnover of property to the estate.<br>Turnover of property by a custodian.<br>Trustee as lien creditor and as successor to certain creditors and purchasers.<br>Statutory liens.<br>Limitations on avoiding powers.<br>Preferences.<br>Fraudulent transfers and obligations.<br>Postpetition transactions.<br>Liability of transferee of avoided transfer.<br>Automatic preservation of avoided transfer.<br>Postpetition effect of security interest.<br>Setoff.<br>Abandonment of property of the estate.<br>Contractual right to liquidate, terminate, or accelerate a securities contract.<br>Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.<br>Expedited determination of interests in, and abandonment or other disposition of grain assets.<br>Defenses of the estate.<br>Contractual right to liquidate, terminate, or accelerate a repurchase agreement.<br>Contractual right to liquidate, terminate, or accelerate a swap agreement.<br>Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts; proceedings under chapter 15.<br>Timing of damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements. <sup>1</sup> |
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##### AMENDMENTS

2005—Pub. L. 109-8, title II, §§ 227(b), 228(b), 229(b), title VII, § 704(b), title IX, §§ 907(k)(2), (p)(1), 910(a)(2), Apr. 20, 2005, 119 Stat. 69, 71, 72, 126, 181, 182, 184, added items 511, 526 to 528, 561 and 562 and substituted “Contractual right to liquidate, terminate, or accelerate a securities contract” for “Contractual right to liquidate a securities contract” in item 555, “Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract” for “Contractual right to liquidate a commodity contract or forward contract” in item 556, “Contractual right to liquidate, terminate, or accelerate a repurchase agreement” for “Contractual right to liquidate a repurchase agreement” in item 559, and “Contractual right to liquidate, terminate, or

<sup>1</sup> So in original. Does not conform to section catchline.